

**IN THE UNITED STATES DISTRICT COURT  
FOR THE EASTERN DISTRICT OF PENNSYLVANIA**

<b>MARY F. BARNETT,</b>	:	<b>CIVIL ACTION</b>
<b>Plaintiff</b>	:	
	:	
<b>vs.</b>	:	<b>NO. 14-2414</b>
	:	
<b>THE SCHOOL DISTRICT OF</b>	:	
<b>LANCASTER, et al.,</b>	:	
<b>Defendants</b>	:	

**O R D E R**

**AND NOW**, this 24th day of March, 2015, upon consideration of the defendants' motion to dismiss (Document #7), and the plaintiff's response thereto (Document #12), IT IS HEREBY ORDERED that the motion is GRANTED in part, and DENIED in part.

IT IS FURTHER ORDERED that:

1. As to Count One, the motion is granted in part and denied in part as follows:
  - (a) The equal protection claim is DISMISSED;
  - (b) The due process claim shall remain;
  - (c) The § 1983 conspiracy claim is DISMISSED;
  - (d) Defendant School District is DISMISSED from Count One.
2. The motion to dismiss Count Two is DENIED in its entirety.
3. Count Three is DISMISSED in its entirety.
4. The motion to dismiss Count Four is DENIED in its entirety.
5. The motion to dismiss Count Five is DENIED in its entirety.
6. As to Count Six, the motion is granted in part and denied in part as follows:

- (a) Defendant Holman is DISMISSED as a defendant in Count Six;
  - (b) Defendant Butterfield in his official capacity is DISMISSED;
  - (c) The motion to dismiss Defendant Butterfield in his individual capacity is DENIED;
7. Count Seven is DISMISSED in its entirety.

BY THE COURT:

/s/ Lawrence F. Stengel  
LAWRENCE F. STENGEL, J.